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c 39 Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 3)

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CHAPTER 39

**An Act to amend the
Municipality of Metropolitan Toronto Act**

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 206a,
enacted

206a.—(1) In this section,

Interpre-
tation

(a) “Board” means the Board of Management of The Guild;

(b) “The Guild” means the lands and buildings, as described in Article I of the Indenture of Lease mentioned in subsection (10), situate in the Borough of Scarborough known as The Guild, used for hotel, restaurant, recreational and cultural facilities.

(2) The Metropolitan Corporation may acquire The Guild from The Metropolitan Toronto and Region Conservation Authority by purchase, lease or otherwise and may operate, manage and maintain The Guild as a hotel, restaurant, recreational, cultural, conference and seminar facility.

Acquisition
of Guild by
Metropolitan
Corporation

(3) There is hereby established a corporation without share capital under the name “Board of Management of The Guild” and the Board shall have a corporate seal, may sue and be sued in its own name, may enter into contracts including contracts of employment, and shall have all powers necessary for or incidental to the operation, management and maintenance of The Guild.

Board
established

(4) The *Corporations Act* does not apply to the Board.

R.S.O. 1980,
c. 95,
not to apply

Composition
of Board

(5) The Board shall consist of fifteen members composed of a chairman and fourteen members appointed by the Metropolitan Council, of whom seven shall be nominees of the Lieutenant Governor in Council.

Term of
office

(6) The members shall hold office for a term not exceeding that of the Council that appointed them, and until their successors are appointed, and all such members are eligible for re-appointment.

First
chairman

(7) The Lieutenant Governor in Council shall appoint as first chairman of the Board a person who is the nominee of the Board, to hold office during the term specified in the appointment, and the Board may elect from among its members a vice-chairman.

Chairman

(8) After the term of the first chairman has expired the Board shall elect as chairman one of the members of the Board or some other person to hold office until his or her successor is elected.

Quorum

(9) A majority of the members of the Board constitutes a quorum.

Lease
extended

(10) The Indenture of Lease dated the 16th day of June, 1978, between The Metropolitan Toronto and Region Conservation Authority of the First Part (the Landlord), Ravenna Guild Inn Limited (for which was subsequently substituted Guildwood Hall) of the Second Part (the Tenant), The Municipality of Metropolitan Toronto of the Third Part and H. Spencer Clark of the Fourth Part (Guarantor) is hereby extended so as to be fully complete and ended on the 31st day of December, 1983, and the Indenture of Lease as extended is hereby declared valid and binding on the parties thereto, according to its terms.

Notices
declared
null and void

(11) The Notice of Termination dated the 1st day of November, 1982 given by The Metropolitan Toronto and Region Conservation Authority to Guildwood Hall and the Notice of Termination of Maintenance and Service Contracts, Employment Contracts, Rental Contracts and Contracts for the Supply of Accommodation and Catering Services dated the 10th day of November, 1982 given by The Metropolitan Toronto and Region Conservation Authority and The Municipality of Metropolitan Toronto to Guildwood Hall are hereby declared to be null and void and of no force or effect.

(12) The Metropolitan Corporation shall enter into agreements with the Board entrusting the operation, management and maintenance of The Guild to the Board on such terms and conditions as the Metropolitan Council may consider proper.

Agreement to operate, manage and maintain Guild

(13) The first such agreement entered into in accordance with subsection (12) shall be for a period of two years, ending on the 31st day of December, 1985, and is subject to the approval of the Lieutenant Governor in Council.

First agreement

(14) The Board may enact by-laws for the regulation of its proceedings and for the conduct and management of its affairs.

By-laws

(15) The Board is a local board of the Metropolitan Corporation.

Local board

(16) The Metropolitan Corporation is entitled to any surplus resulting from the operations of the Board and is responsible for any deficit incurred by it.

Surplus or deficit

(17) The Board shall submit to the Metropolitan Council its budget for the current year at the time and in the form prescribed by the Metropolitan Council and the budget shall be subject to approval, with or without modification, by the Metropolitan Council.

Budget

(18) After the approval of the Board's annual budget by the Metropolitan Council, any and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines.

Spending in accordance with budget

(19) The Board may borrow money with the prior approval of the Metropolitan Council for the purposes of acquiring working capital, but nothing in this subsection authorizes the Board to issue debentures.

Borrowing powers

(20) Every person who was employed by Guildwood Hall on the 15th day of June, 1983 as a permanent employee in connection with the operation, management and maintenance of The Guild and who continues to be an employee on the 31st day of December, 1983 shall be offered employment as an employee of the Board at no loss in salary commencing on the 1st day of January, 1984, but nothing in this subsection prevents the Board from terminating the employment of an employee for cause.

Offer of employment

(21) The Board will indemnify Guildwood Hall against any and all claims by any employee referred to in subsection (20) in any way connected with the termination of his or her employment by the Board after the 31st day of December, 1983.

Indemnification

Board
deemed
participant
in
O.M.E.R.S.

(22) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 1st day of January, 1984.

Pension
benefits

(23) Where any person accepts employment under subsection (20),

(a) he shall become a member of the Ontario Municipal Employees Retirement System on his transfer date; and

(b) his employment with Guildwood Hall shall be deemed to have been employment with the Board for the purposes of the *Ontario Municipal Employees Retirement System Act*.

R.S.O. 1980,
c. 348

Idem

(24) The Board shall be deemed to have assumed responsibility as of the 31st day of December, 1983 for the accrued pension benefits of any pension plan in existence on that date respecting employees who accept employment under subsection (20), and the rights of Guildwood Hall in any such plans are hereby vested in the Board, but nothing in this section shall be deemed to require the Board to provide benefits other than those already earned and funded.

Study by
Board

(25) The Board shall cause a study to be conducted to consider and make recommendations in respect of,

(a) the best and most appropriate future uses of The Guild, and the uses of the lands immediately adjoining thereto; and

(b) the best and most appropriate future organization and management structure for The Guild,

and, for the purpose of implementing the study, the Board may, subject to the approval of the Minister and the chairman of the Metropolitan Council, engage as consultants such persons possessing expert or technical knowledge, as the Board considers necessary.

Costs of
study

(26) Subject to the approval of the Minister, the costs reasonably incurred by the Board in conducting the study shall be borne by the Province of Ontario.

Recommendations
of Board

(27) Upon the completion of the study, and in any event not later than the 16th day of June, 1985, the Board shall submit to the Minister and to the Metropolitan Council its recommendations in respect of the matters set out in clauses (25) (a) and (b).

(28) The moneys required for the purposes of subsection (26) shall, until the 31st day of March, 1984, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature. Moneys

2. This Act comes into force on the 15th day of June, 1983. Commence-
ment

3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 3)*. Short title

